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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 SON VAN NGUYEN,

15 Defendant.  
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No. 2:99-cr-433-06 WBS AC

ORDER

17 Petitioner Son Van Nguyen is a federal petitioner represented by counsel, before the court  
18 on a motion attacking his conviction and sentence pursuant to 28 U.S.C. § 2255. The matter was  
19 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule  
20 302.

21 On August 20, 2013, the magistrate judge filed findings and recommendations herein  
22 which were served on all parties and which contained notice to all parties that any objections to  
23 the findings and recommendations were to be filed within fourteen days. Plaintiff has filed  
24 objections to the findings and recommendations.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
26 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
27 court finds the findings and recommendations to be supported by the record and by proper  
28 analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 20, 2013, are adopted in full;
2. Petitioner Son Van Nguyen' motion under 28 U.S.C. § 2255 is DENIED;
3. A certificate of appealability should not issue in this action.<sup>1</sup>

Dated: October 17, 2013



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

/md; nguy433.805

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<sup>1</sup> A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For the reasons set forth in the magistrate judge’s August 20, 2013 findings and recommendations, petitioner has not made a substantial showing of the denial of a constitutional right.